THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 25869 OF 2005

21st December, 2005

Between:

C.S. Sri Ramulu …Petitioner

A N D

1. The Commissioner, Municipal Corporation of Hyderabad

and another

…Respondents

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 25869 OF 2005

O R D E R :

1. The petitioner is a tenant of premises bearing Shop No. 1-11-252/E, Begumpet, Hyderabad. One M.A. Aziz is the owner of the premises. The respondent- Municipal Corporation in the process of road widening consent has been sought for from the owner and there upon the owner seems to have consented for road widening.

2. The grievance of the petitioner is that he being a tenant is entitled to put on notice of the proposed acquisition and his objections to the proposed acquisition are required to be heard.

3. Heard learned counsel for the petitioner and learned Standing Counsel Municipal Corporation, Hyderabad.

4. Learned counsel for the petitioner submits that similar question came up for consideration in W.P.No. 19823 of 2005 (M/s Bombay Halwa House Vs. The Commissioner, Municipal Corporation, Hyderabad) wherein it has been held by this Court as follows:

> "*The learned Standing Counsel has placed before this Court office file showing that petitioner and others in S.P. Road area did not give their consent for giving advance possession and therefore proceedings under the Land Acquisition Act, 1894, were already initiated. Therefore, the writ petition is misconceived. Now that the land acquisition proceedings are initiated, till they are completed, petitioner cannot be deprived of his right to enjoy the property, except in accordance with law, nor the Corporation can demolish the structures without due process of law.*
>
> *The writ petition, with the above observations, is accordingly disposed of at the admission stage".*

5. Undisputedly the petitioner is the tenant of the premises and some proceedings have been initiated by the land lord unsuccessfully to evict him from the premises. No notice has been issued on the petitioner with regard to the proposed acquisition for road widening under Section 146 and 147 of the Municipal Corporation Act.

6. In that view of the matter, I deem it appropriate to dispose of the writ petition with a direction to the respondents to serve a notice on the petitioner before initiating proceedings under Sections 146 and 147 of the Municipal Corporation Act. Till the proceedings are taken in accordance with law, there shall not be any demolition of the shop in possession of the petitioner. No order as to costs.

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Justice B.Seshasayana Reddy

21st December, 2005

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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